

**BONNER COUNTY PLANNING DEPARTMENT
BOARD OF COUNTY COMMISSIONERS
STAFF REPORT FOR MARCH 27, 2024**



Project Name: **Dudley I LLC, Zone Change**

File Number, Type: **ZC0014-23, Zone Change**

Request: The applicant is requesting a zone change from Rural 10 to Rural 5 on one parcel.

Legal Description: 32-56N-5W N 209FT OF E 209FT SESWSW S2SESW LESS TAX 5

Location: NKA Hoo Doo Loop, Spirit Lake, Idaho

Parcel Number(s): RP56N05W326900A

Parcel Size: Approximately 20.00-acres

Applicant: Dudley I, LLC

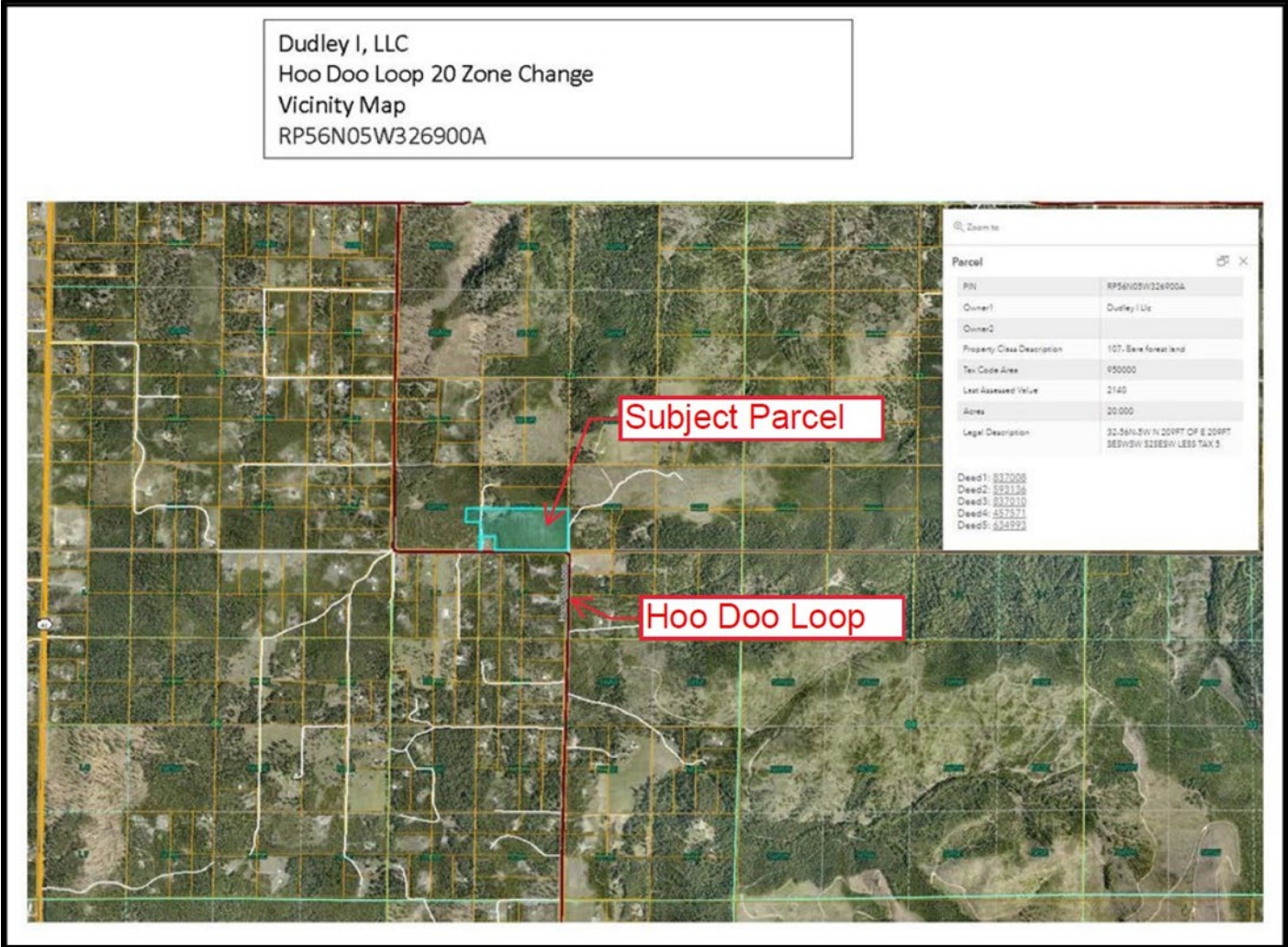
Project Representative: Whiskey Rock Planning + Consulting, Jeremy Grimm

Application filed: November 26, 2023

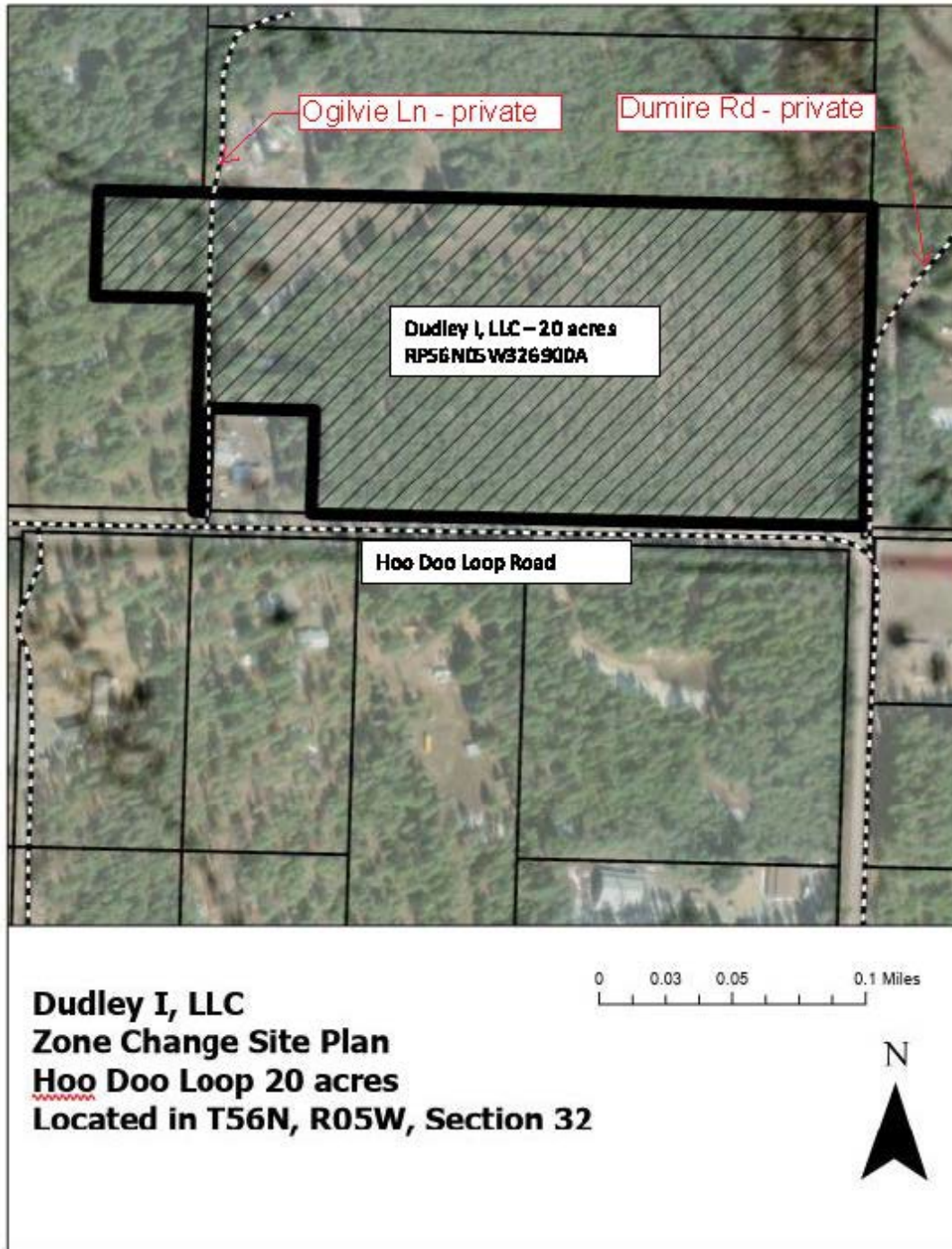
Notice provided: Mail: February 27, 2024
Site Posting: February 27, 2024
Published in newspaper: February 27, 2024

Vicinity Map

Dudley I, LLC
Hoo Doo Loop 20 Zone Change
Vicinity Map
RP56N05W326900A



Site Plan



Project summary:

The applicant is requesting a zone change from Rural 10 to Rural 5 on one (1) parcel consisting of approximately 20.00-acres. The project is located off Hoo Doo Loop in Section 32, Township 56 North, Range 5 West, Boise-Meridian. The comprehensive plan designation is Rural Residential and the zoning is Rural 10 (R-10).

Applicable laws:

The following sections of BCRC, Title 12, apply to this project:

- BCRC 12-210 et seq, Title Amendments, Comprehensive Plan Amendments and Zone Changes
- BCRC 12-111: Purpose et seq, health, safety, and general welfare
- BCRC 12-320.1 – Zoning districts and map designation, purpose
- BCRC 12-320.2 – Zoning districts and map designations, established
- BCRC 12-323 – Rural District
- BCRC 12-800 et seq., Definitions

Background:

A. Site data:

- Use: Reserved for residential use, vacant parcel
- Unplatted
- Size: Approximately 20.00-acres
- Zone: Rural 10 (R-10)
- Land Use: Rural Residential

B. Access:

- The primary access to the parcel is via Hoo Doo Loop, a publicly owned and maintained gravel right-of-way.
- Secondary access to the parcel is via Ogilvie Lane, a privately owned and maintained gravel road along the western boundary of the subject parcel and Dumire Road, a privately owned and maintained gravel road along the eastern boundary. Both Ogilvie Lane and Dumire Road are accessed from Hoo Doo Loop.

C. Environmental factors:

- Site does contain few mapped slopes of 0-30+%. (United States Geological Survey)
- Site does not contain mapped wetlands. (United States Fish and Wildlife Service)
- Site does not contain river/stream/frontage on a lake. (National Hydrography Dataset)
- Parcel RP56N05W326900A is within SFHA Zone D per FIRM Panel Number 16017C0865E, Effective Date 11/18/2009.
- Soil Type:
 - Description: Bonner gravelly ashy silt loam, 0 to 4 percent slopes
 - i. Type: Consociation (dominated by a single soil type)
 - ii. Drainage: Well Drained
 - iii. Classification: All areas are prime farmland, if irrigated

D. Services:

- Water: Individual well
- Sewage: Individual septic
- Fire: West Pend Oreille Fire District
- Power: Avista Utilities
- School District: Lake Pend Oreille School District #83
- Ambulance District: Bonner County Ambulance District
- Law Enforcement: Bonner County Sheriff's Office

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural-10	Vacant - 20.00-acres
North	Rural Residential	Rural-10	Residential - 10.00-acres
East	Rural Residential	Rural-10	Residential - 10.66-acres
South	Rural Residential	Rural-5	Residential - 5.00-acres Residential - 10.00-acres Residential - 9.69-acres
West	Rural Residential	Rural-10	Vacant - 48.86-acres

F. Standards review Bonner County Revised Code

- **12-111: Purpose**

The zoning regulations and districts for the unincorporated areas of Bonner County, as herein established, have been made in accordance with a comprehensive plan and Idaho Code for the purpose of promoting the health, safety and general welfare of the people of Bonner County.

- **12-215: Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents**

The application was considered complete on November 28, 2024 and was routed to agencies accordingly.

- **12-216: Evaluation of Amendment Proposals**

Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008)

- **12-320.1: Zoning Districts and Map Designation, Purpose**

The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands in unincorporated Bonner County. The purpose statements also shall guide interpretation and application of land use regulations within the zones and designations,

and any changes to the range of permitted uses within each zone through amendments to this title. (Ord. 501, 11-18-2008)

- **12-320.2: Zoning Districts and Map Designations Established**

In accordance with the provisions of Idaho Code and the objectives set forth in this code, all land in the unincorporated areas of Bonner County is hereby classified according to the following zoning designations and zoning map symbols, which shall be applied as shown on the official zoning district map.

Existing Comprehensive Plan Designation:

Rural Residential:

The Rural Residential area provides for residential development in areas where urban services are not available, and slopes may vary up to 30%. These areas include hazard areas and critical wildlife habitats, where lower densities reduce potential impacts to resources and exposures to loss of property or lives. Small-scale agricultural uses and residential development are permitted.

Comprehensive Plan Analysis:

Property Rights

Goal:

1. Protect property rights and enhance property values through conscientious land use planning that complies with state law relevant to all county land use actions.

Objective:

1. Private property should not be taken for public uses without just compensation or due process of law.
2. Impacts to other properties should be taken into account when considering land use proposals, policies and codes.

Staff: The application was routed to neighbors 300' from the property line, informing neighbors of the proposed zone change. As of March 27, 2024, Bonner County has received public comments.

Population

Goal:

1. Ensure that the impact of demographic changes including generational issues and economic diversity are identified and considered during planning activities and decisions

Objective:

1. Maintain current and projected county population estimates and utilize this information when making land use decisions.

Staff: Bonner County, according to 2022 population estimates census data, has seen a 9.1% increase in population since the 2020 census was performed; increasing from 47,105 to an estimated 51,414. With the increase in the population, there is upward pressure on housing needs in Bonner County, both in the unincorporated portion of the County, and in the incorporated cities.

School Facilities & Transportation

Goal:

1. Preserve the county's commitment to and ability to provide quality education to the current and future students of Bonner County.

Objective:

1. Ensure that the proposed developments and county land use decisions do not adversely impact the local school districts and their ability to provide adequate school facilities and transportation systems.
2. The county should encourage school districts to proactively review development applications to determine particular school needs and concerns.
3. Bonner County roads, trails and bicycle paths should be designed and maintained to allow safe passage of students to schools.
4. Long-term consequences of land use proposals should be considered, including the adequacy of existing facilities and the siting of future schools.

Staff: The Lake Pend Oreille School District #83 and Lake Pend Oreille School Transportation that serve the property were notified of the proposed zone change. Neither the Lake Pend Oreille School District nor the Transportation department provided a comment.

Economic Development

Goal:

1. Support and encourage economic development.

Objective:

1. Support small businesses such as markets, restaurants, recreational activities, campgrounds, and marinas that provide services which support resort residents and visitors in their local communities.
2. Enable development of small-scale cottage industries and home-based occupations while protecting the surrounding areas from adverse impacts.
3. Policies regarding economic development activities should seek to mitigate the impacts of such factors as noise, light glare, odors, fumes and vibrations on the surrounding community.
4. Support local economic development by increasing support for outdoor recreation in Bonner County. Encourage and protect public access to public lands and water, campgrounds, and recreational areas.

5. Support local businesses by enabling development of workforce housing in proximity to commercial, industrial and agricultural uses.

Staff: The property is accessed by suitable transportation systems. Per the applicant, the proposed zone change would allow for the development of new residences in the area which could provide more employment for many different industries and could attract more members of the workforce to the area. Further, the proposed zone change from Rural-10 to Rural-5 will be consistent with the zoning in the area. Rural 5 is intended to allow for small farming operations and has the potential to have a positive impact on the local agriculture industry.

Land Use

Goal:

1. Bonner County intends to balance and integrate its land use policies and proposed land use map with the components of the comprehensive plan to enable the community to grow while retaining its rural character and protecting its unique natural resources.

Objective:

1. Bonner County should develop and maintain a future land use map and land use codes that acknowledge and protect its agricultural, timber and mining lands, protects the water and wildlife resources, identifies and avoids hazard areas, provides areas for economic growth, encourages affordable housing and centers growth in areas where adequate public and private services can be provided.
2. Encourage clustered development for medium and large scale commercial and industrial uses.
3. Commercial and industrial uses should be located and operated in a manner to ensure the protection of our natural resources including clean air and water, dark skies, and overall environmental quality and rural character of Bonner County.

Staff: The proposed zone change from Rural-10 to Rural-5 is compatible with surrounding land uses. Additionally, the property will not adversely impact natural resources as Bonner County Code requires that setbacks be met to all mapped wetlands, streams or other environmental features that might be found on the property.

Natural Resources

Goal:

1. Protect, enhance and maintain the County's natural resources such as air, water, forest, minerals, plants and wildlife for long-term benefits to the public.
2. Acknowledge and consider agency comments regarding natural resources.

Objective:

1. Bonner County's system of lakes and waterways is one of its greatest assets, and Bonner County should strive to preserve both the quality and quantity of its water resources.
2. Bonner County values its productive agricultural lands and forests, mining lands, its fisheries, wildlife, wetlands and aquifer recharge areas and should provide measures to protect and maintain these natural features.
3. Bonner County should protect its water resources by requiring adequate sewer treatment systems based on soil, density, and intensity of use to reduce impacts to water resources.

Staff: Impacts to natural resources were not identified by any agency. Further, the subject site does not have any wetlands or surface water identified by either the National Wetlands Inventory (NWI) or the National Hydrography Dataset (NHD).

Hazardous Areas

Goal:

1. Protect Bonner County from loss of lives and property due to natural hazards.
2. Reduce public and private financial losses due to flood, fire, landslides, avalanches and excessive slopes by setting standards for development in high hazard areas.

Objective:

1. Bonner County intends to regulate the location and density of new development in floodplain to reduce the potential for the loss of lives and property within flood hazard areas.
2. Future development should be designed to reduce exposure to wildland fire and to provide emergency and escape routes for residents.
3. Development within areas of excessive slopes, unstable areas and avalanche zones should be discouraged.

Staff: Potential damage to property or people due to soil erosion or avalanches are minimal as the project parcel is mostly flat with a small portion of the property containing 30+% slopes. The property is not located in a mapped floodplain.

Public Services, Facilities & Utilities

Goal:

1. Future development approvals should require adequate services and should not adversely impact the services or infrastructure of the utility provider.
2. Require adequate public services, facilities, and utilities in future development approvals.

Objective:

1. New development should be adequately served by fire protection, roads, sewer, schools, law enforcement, ambulance, power and emergency services, water and other public or private services.
2. Require the developers to provide infrastructure, utilities or financial support to offset the capital costs of expansion of services required by the proposed development.
3. Bonner County shall require adequate provisions for future utility services in areas of commercial, industrial, residential or other similar uses.

Staff: Any future development to this parcel should not affect services as the parcel will be served by a well and septic system. The parcel has the following services: Avista Utilities, Bonner County Sheriff, Bonner County Ambulance District, West Pend Oreille Fire District and Lake Pend Oreille School District #83. The West Pend Oreille Fire District provided a response stating that they did not have any objections to the proposed zone change. In the event there are future expansions which may cause an increased demand on services, the applicant will need to obtain proper permitting through the appropriate agencies that govern these services.

Transportation

Goal:

1. Provide a transportation system that is safe, uncongested, and well maintained.

Objective:

1. Future development should not adversely impact the existing transportation system by reducing the quality or level of service or creating hazards or congestion.
2. Roads within new development should be built to county standards and at the expense of the developer.
3. Roads within new development should provide adequate access for fire and emergency vehicles as well as routes of escape.
4. Future access roads should be designed and built to integrate with the state and county system of roads without overburdening the transportation system.
5. To reduce transportation costs, road building and environmental impacts, cluster development should be encouraged.
6. Bonner County intends for certain intense land use developments to provide paved roads.
7. Bike ways and pedestrian paths should be considered in development plans to provide an integrated community transportation system wherever possible.
8. To communicate and work cooperatively with other jurisdictions within the county to ensure the best possible flow of traffic county-wide.

Staff: The applicant's property is bordered on the west by Ogilvie Ln, a privately owned and maintained gravel road; on the south by Hoo Doo Loop, a County-owned and maintained gravel right-of-way; and on the east by Dumire Rd, a privately owned and maintained gravel road. The Bonner County Road & Bridge Department was routed on this application. Road & Bridge requested that the property owner dedicate 15' along Hoo Doo Loop to the public. They did not have any objections to the proposed zone change.

Recreation

Goal:

1. Protect and encourage public and private recreational opportunities as an important asset that supports a key segment of the County's economy.

Objective:

1. Ensure public legal recreational access and amenities are not obstructed or adversely impacted by future development.

Staff: Re-zoning this property from Rural-10 to Rural-5 will not affect any existing recreational activities.

Special Areas or Sites

Goal:

1. To protect, preserve and maintain special areas and sites both natural and manmade in relation to land use.

Objective:

1. Future developments should not adversely affect or destroy culturally or ecologically sensitive sites.

Staff: This goal appears unaffected by this component.

Housing

Goal/ Objective:

1. Provide an environment that enables opportunities for diverse housing needs.

Staff: The application is consistent with the housing component of the comprehensive plan as the rezone may result in more opportunities for different housing options in Bonner County.

Community Design

Goal:

1. To enable a variety of lifestyles while maintaining the rural character in the future development of Bonner County.

Objective:

1. New development should be in areas with similar densities and compatible uses.

2. The adverse impacts of new development on adjacent areas should be minimized.
3. Consider the protection of natural resources, rural features and surrounding uses of the community in the design and location of new development.

Staff: Rezoning the property may result in increased density, but that increase in development will not compromise the existing character of the community as most properties surrounding the property are already zoned either Rural-10 or Rural-5. Additionally, the proposal is in keeping with the community design as the properties are maintaining their Rural Residential land use plan designation which guides how development will happen.

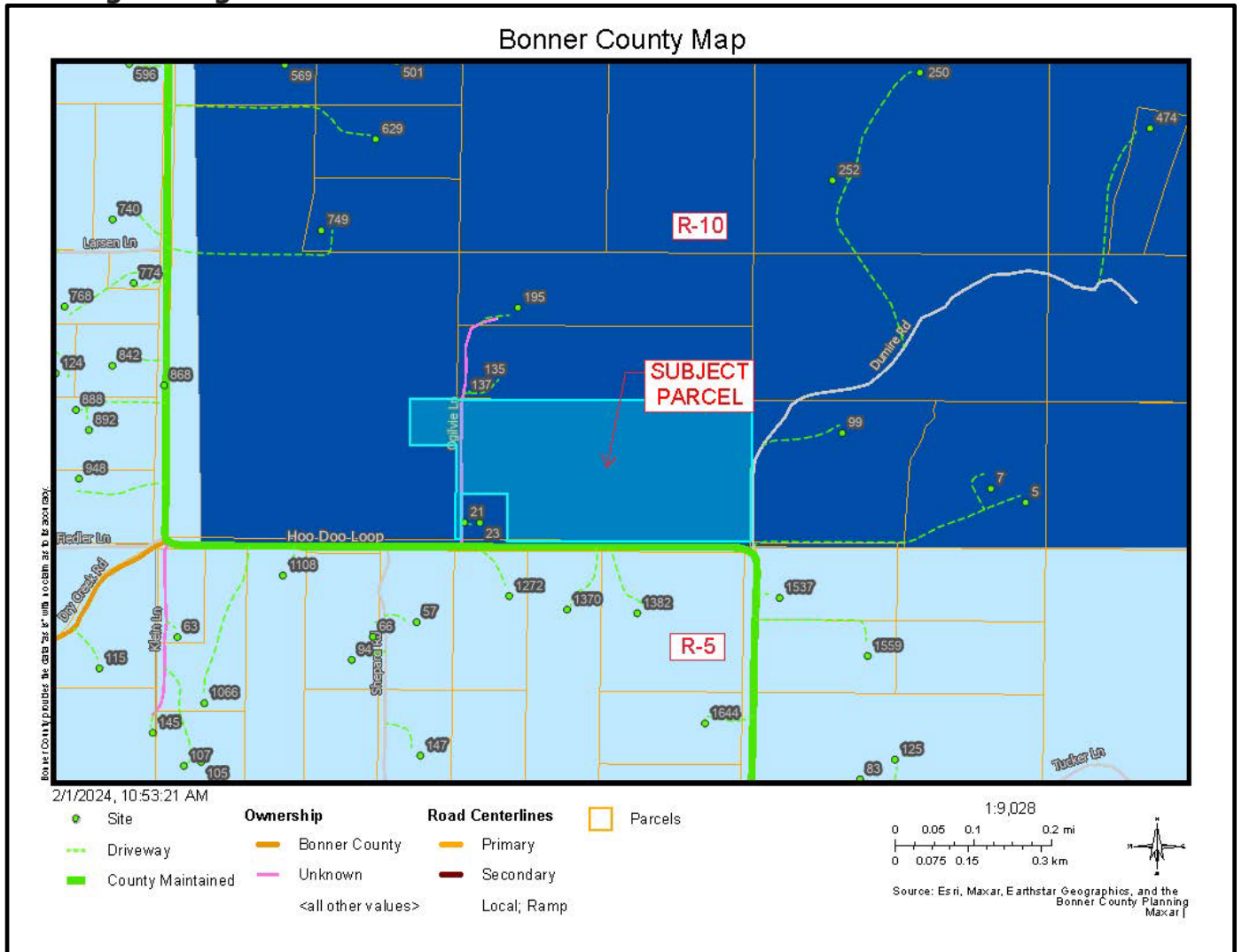
Agriculture

Goals/Objectives:

1. Protect the rural character and agricultural heritage of Bonner County by retaining large- and small-scale commercial agriculture and hobby farms as viable uses.
2. Support the local economy by encouraging production, distribution, and retail sales of locally grown food and other agricultural products.
3. Develop policies to discourage fragmentation of very large productive agricultural lands.

Staff: This proposal is anticipated to create approximately four (4) additional lots, if approved. The current comprehensive plan land use is Rural Residential and allows for small-scale farming and forestry activities. This is consistent with the Agriculture component of the Comprehensive Plan.

Existing Zoning:



BCRC 12-323: RURAL DISTRICT (B-1, Rural-10):

A. The rural district has been established to allow for low density residential uses that are compatible with rural pursuits. The purpose can be accomplished by:

1. Limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.
2. Allowing small scale farming and forestry activities, and tourism and recreation uses that can be supported by rural service levels and are compatible with rural character.
3. Encouraging conservation development configurations that create permanent open space or farming areas, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.

B. Use of this zone is appropriate in areas designated by the comprehensive plan as follows:

1. R-10 in areas designated as rural residential in the comprehensive plan that meet one or more of the following criteria:

- a. Characterized by slopes that are steeper than thirty percent (30%).
- b. Located within critical wildlife habitat as identified by federal, state or local agencies.
- c. Contain prime agricultural soils.
- d. Served by a network of public and/or private roadways that generally do not meet applicable roadway standards set forth in title 2 (public roads) of this code or [Appendix A](#) (private roads) of this title or are absent.
- e. Within the floodway.
- f. Contain limited access to public services.

Proposed Zoning:

BCRC 12-323 RURAL DISTRICT (B-2, Rural-5):

A. The rural district is established to allow low density residential uses that are compatible with rural pursuits. The purpose can be accomplished by:

- 1. Limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.
- 2. Allowing small scale farming and forestry activities, and tourism and recreation uses that can be supported by rural service levels and are compatible with rural character.
- 3. Encouraging conservation development configurations that create permanent open space or farming areas, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.

B. Use of this zone is appropriate in areas designated by the comprehensive plan as follows:

2. R-5 in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling unit per five (5) acre density and/or do not meet the criteria for R-10 above. (Ord. 501, 11-18-2008)

G. Agency Review:

The application was routed to agencies for comment on November 14, 2023.

Panhandle Health District	Bonner County Road and Bridge Department
Bonner County Ambulance District	Idaho Department of Environmental Quality
West Bonner Cemetery	Idaho Department of Water Resources
West Pend Oreille Fire District	Idaho Department of Fish and Game
Avista Utility Company	U.S. Fish and Wildlife Service
Lake Pend Oreille School District #83	West Bonner Library
Lake Pend Oreille School District #83 - Transportation	State Historical Society
Area of City Impact: Oldtown	

The following agencies replied with no comments:

Idaho Department of Fish & Game
Idaho Department of Environmental Quality
Independent Highway District
Idaho Transportation Department
City of Oldtown

The following agencies provided comments:

Idaho Department of Water Resources
West Pend Oreille Fire District
Bonner County Road & Bridge

All other agencies did not reply.

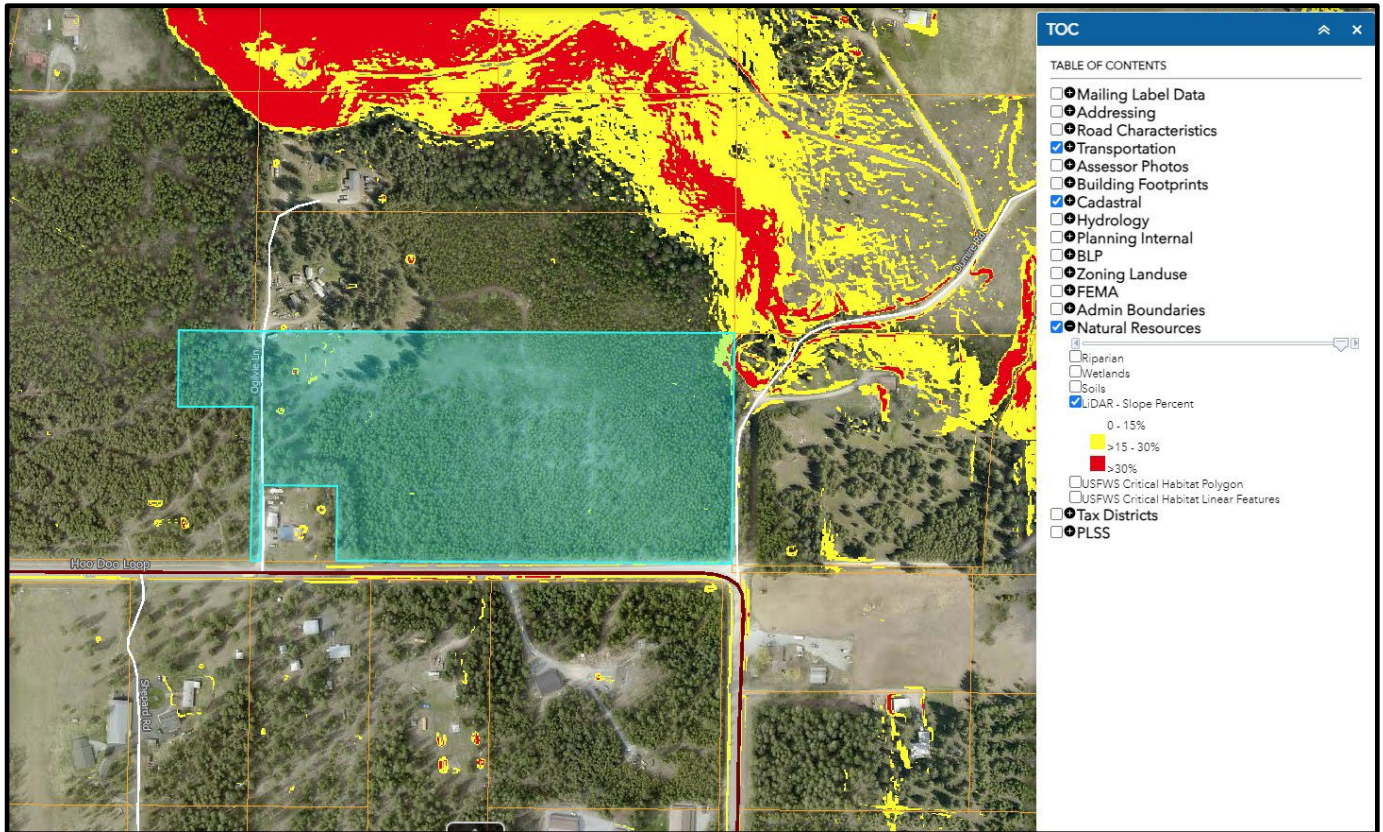
Public Notice & Comments

Public comments were received at the time that this staff report was written.

Staff Analysis:

Comparisons of the Rural-10 and Rural-5 for the parcel.

Rural-10 Standards	Rural-5 Standards
<ul style="list-style-type: none">• Characterized by slopes steeper than 30%• Located within critical wildlife habitat• Contain prime agricultural soils• Served by a network of public/ private roads• Within the floodway• Contain limited access to public services	<ul style="list-style-type: none">• Developed at or near the one dwelling unit per five (5) acres and/or• Does not meet the criteria for R-10



Characterized by slopes steeper than 30%:

The parcel is not characterized by slopes steeper than 30%. The parcel is flat with few slopes that exceed 30% grade in the northeast corner. According to the land use portion of the comprehensive plan for density ranges, properties that are level to moderately sloped are appropriate to be sized between 5 and 10 acres.

Located within critical wildlife habitat:

No critical wildlife area was identified by any agency.

Contain prime agricultural soils:

The parcel contains a single soil type that is considered "Prime Farmland", if properly irrigated. Bonner Gravelly Ashy Silt Loam is characterized as "...Well suited to irrigated crops but is marginally suited to non-irrigated crops." According to Table 3-1, Natural Resources component of the Bonner County Comprehensive Plan, Bonner Gravelly Ashy Silt Loam, 0-4 percent slope, is classified as a Soil Unit 2, Class IVs soil if not well irrigated. Bonner County does not have an irrigation district. "Class IVs soils have very severe limitations that reduce the choice of plants or that require very careful management, or both". Non-irrigated Class IVs is classified as non-prime farmland (Soil Unit 4) according to Table 3-2 of the Natural Resources component Bonner County Comprehensive Plan.

Table 3-1: Prime Farmland Map Units

Soil Unit	Description	Characteristics	Limitations	Acres	Percent
2	Bonner gravelly silt loam	Cropland IIIs Irrigated, IVs non-irrigated—Well suited to irrigated crops but is marginally suited to non-irrigated crops. Woodland 2o—Grand fir, Douglas fir, ponderosa pine, western larch and lodgepole pine are the main woodland species on this unit.	Cropland—low available water capacity and cool soil temperatures. Woodland—high content of volcanic ash and susceptibility of the soil to compaction.	31,563	2.84

1 Bonner County Comprehensive Plan – Prime Farmland

Table 3-2: Non-Prime Farmland Map Units

Soil Unit	Description	Characteristics	Limitations
4	Bonner silt loam, cool, 0 to 4 percent slopes.	Cropland IVs—Poorly suited to cultivated crops. Woodland 1o—Western hemlock, western red cedar, grand fir, and western white pine are the main species on this unit.	Cropland—Cool soil temperatures and a short growing season. Woodland—Susceptibility to soil compaction.

2 Bonner County Comprehensive Plan - Non-Prime Farmland

Served by a network of public/ private roads:

Access to the parcel is by way of a combination of County owned and maintained roads as well as privately owned and maintained roads. The zone change will not have a significant impact on county roads. According to Bonner County Road & Bridge, Hoo Doo Loop is well below its traffic threshold based on their latest traffic count.

Within the floodway:

The risk of flooding of the parcel is minimal as it is within Special Flood Hazard Zone D and is not within a mapped floodplain or floodway.

Contain limited access to public services:

The parcel is not limited with regards to public services. Public services that are available for these properties include: fire protection, emergency services (ambulance and law enforcement), schools and electricity. Other services include a private well and individual septic system.

Developed at or near the one dwelling unit per five (5) acres:

There are fifteen (15) parcels within 1200 feet of this project that are developed with one dwelling unit per 5 acres or less. This area is mostly zoned Rural 10 or Rural 5. The area is evenly developed with 15 parcels developed at one dwelling per 5-acre parcel and 15 parcels developed at one dwelling per 10+ acre parcel within a 1200-foot radius of the project.

and/or

Does not meet the criteria for R-10:

- Bonner gravely silt loam is considered prime farmland, if irrigated. Since Bonner County does not have an irrigation district, the soil is considered non-irrigated and therefore not prime farmland, based on the soil review above. Therefore, the current zoning of R-10 is not supported because it does not meet the criteria for Rural-10 with the exception of being served by a network of public/ private roads not meeting County road standards.

Staff Analysis Summary:

Staff: The proposed zone change is consistent with Bonner County Revised Code

Planner's Initials: RW

Date: March 15, 2024

Note: The final decision rests with the governing body after the completion of the public hearing and consideration of all relevant oral and written testimony and evidence.

Zoning Commission recommendation: APPROVE

Date: February 15, 2024

VOTE: 4-0

Note: This is only a recommendation. The final decision rests with the governing body after the completion of the public hearing and consideration of all relevant oral and written testimony and evidence.

Zone Change - Motion by the Governing Body:

BOARD OF COUNTY COMMISSIONERS

MOTION TO APPROVE: I move to approve this project, FILE ZC0014-23, requesting a zone change from Rural-10 to Rural-5, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following **Conclusions of Law**:

Conclusion 1

The proposal **is** in accord with the elements of the Bonner County Comprehensive Plan.

Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and **was** found to be in compliance.

Conclusion 3

The proposal **is** in accord with the purpose of the Rural 5 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

This decision is based upon the evidence submitted up to the time the Staff Report was prepared, and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report, or as amended during the hearing and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

Zone Change Ordinance Motion: Roll Call Vote

I move to approve an Ordinance of Bonner County, Idaho, the number to be assigned, citing its authority, and providing for the amendment of the Official Zoning Map of Bonner County by the reclassification of lands located in Section 32, Township 56 North, Range 5 West, Boise Meridian, Bonner County, Idaho from Rural-10 to Rural-5, and providing for an effective date.

Zone Change Findings of Fact

- The parcel does contain very few mapped slopes that range from 15-30+% grade. Therefore, the parcel is not characterized by slopes steeper than 30%.
- The parcel is not within critical wildlife habitat as identified by federal, state, or local agencies.
- The parcel contains one soil type, Bonner Gravelly Ashy Silt Loam, which is classified as "prime farmland, if irrigated", per the Bonner County Comprehensive Plan.
- Bonner County does not have an irrigation district.
- The parcel is accessed via Hoo Doo Loop, a County owned and maintained road and Ogilvie Land and Dumire Road, privately owned and maintained roads.
- The parcel is not within a floodplain or floodway.

- Services are provided by West Pend Oreille Fire District, Avista Utilities, Bonner County Ambulance District and Bonner County Sheriff, Lake Pend Oreille School District #83.
- The parcel will be served by individual well and septic system.
- The parcel is located near other parcels that are currently developed at or near five (5) acres.

MOTION TO DENY: I move to deny this project, FILE ZC0014-23, requesting a zone change from Rural-10 to Rural-5, based upon the following **Conclusions of Law:**

Conclusion 1

The proposal **is/ is not** in accord with the elements of the Bonner County Comprehensive Plan.

Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and **was/ was not** found to be in compliance.

Conclusion 3

The proposal **is/ is not** in accord with the purpose of the Rural 5 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

The decision is based upon the evidence submitted up to the time the Staff Report was prepared, and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report, or as amended during the hearing, and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the zone change is to:

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- 2) Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code

The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Staff reports are available online prior to the scheduled hearing at www.bonnercountyid.gov Bonner County Revised Code (BCRC) is available at the Planning Department or online.